

REMARKS

Claims 1-8, 11-21, 24,-34, and 37-39 have been rejected under 35 U.S.C. §102(e) as being anticipated by Mayer (U.S. Patent No. 6,282,511). Claims 9, 10, 22, 23, 35 and 36 have been rejected under 35 U.S.C. §103(a) as being unpatentable over Mayer and in further view of Schwartz (U.S. Patent No. 6,473,609). Reconsideration of these claims is respectfully requested.

Mayer discloses an audio browser and method wherein in response to a request for access to a data set (e.g. ,through the arrival of a phone call from User's Audio Terminal 101 through PSTN 110), the Automatic Call Distributor 225 in Voice Serving Node 215 assigns an available Voice Serving Unit 216-1 to the service request. In the assigned Voice Serving Unit, the HTML Client 250 will cause the first of the HTML pages (the "home page") to be called up from Primary Serving Node 201 for further processing by the assigned Voice Serving Unit. (Primary Serving Node 201 may be collocated with Voice Serving Node 215.) The HTML home page (supplied by HTML Server 203 from Data Storage 202 in Primary Serving Node 201 to HTML Client 250 in Voice Serving Unit 2161) will then typically be translated to a voice form by Voiced Translation means 210, which will typically be realized with a TTS system. Col. 5, lines 42-58. The voiced text from the HTML home page will then be transmitted over communications link 211 to the Barge-In Filter 230, from which it can be heard by the user through User's Audio Terminal 101. As the user listens to the HTML page being enunciated by the Voiced Translation means, he may hear a hyperlink word for which he wishes to obtain additional or related detail (or to trigger a transaction as described below); to indicate this desire for such additional or related detail, he will repeat (speak) the hyperlink word through User's Audio Terminal 101. That voiced response from the user is processed through Barge-In Filter 220 and transmitted to Speech Recognizer 240 over communications link 221. Col. 5, line 64 to Col. 6, line 9.

Schwartz et al. disclose a method and architecture for interactive two-way communication devices to interact with a network which includes a converter 318 that converts the messages, according to the interpretation, to a data format that is compact enough to be efficiently transportable over wireless network 308. The messages received from the network server are typically markup language files or data, requests, notifications and other commands

that could cause mobile device 350 to respond as desired in the received messages. The markup language may include, for example, Handheld Device Markup Language (HDML), HyperText Markup Language (HTML), compact HTML, Wireless Markup Language (WML), Standard Generalized Markup Language (SGML) and Extensible Markup Language (XML). Col. 8, lines 55-67.

Claim 1 has amended to include the limitations of former Claims 9-10 and is patentable by calling for a data access method of the type set forth therein that includes sending said request to a location in a communications network determined by said request, said location including said data in a prompt navigation language selected from the group consisting of WML and HDML.

Mayer and Schwartz et al. have been incorrectly combined in the rejection under 35 U.S.C. §103(a) of former Claims 9-10 and thus amended Claim 1. A proper analysis of the obviousness/nonobviousness of the claimed invention under 35 U.S.C. §103(a) requires consideration of two factors: (1) whether the prior art would have suggested to those of ordinary skill in the art that they should carry out the claimed invention; and (2) whether the prior art would also have revealed that in so carrying out the claimed invention, those of ordinary skill would have a reasonable expectation of success. Both the suggestion and the reasonable expectation of success must be founded in the prior art, not in the applicant's disclosure. In re Sernaker, 217 U.S.P.Q. 1, at 5 (Fed. Cir. 1983); and In re Vaeck, 20 U.S.P.Q.2d 1438, 1442 (CAFC 1991).

In this regard, and as discussed above, Schwartz et al. merely disclose a litany of markup languages. Schwartz et al. does not differentiate between any of the numerous languages discussed therein, let alone address that WML and HDML are distinct from the remainder of the languages disclosed therein in that both WML and HDML are prompt navigation languages. Further, there is no suggestion in Schwartz et al. that the numerous markup languages therein would be suitable for combining with the disclosure of Mayer, let alone that the distinct set of prompt navigation languages disclosed therein would be particularly suited for combining with the disclosure of Mayer. As a result of the foregoing, the rejection of amended Claim 1 as being

unpatentable under 35 U.S.C. §103(a) over Mayer in view of Schwartz et al. is in error and should be withdrawn.

Claims 2-8 and 11-13 depend from Claim 1 and are patentable for the same reasons as Claim 1 and by reason of the additional limitations called for therein. Former Claims 9-10 have been cancelled, without prejudice.

Claim 14 has been amended to include the limitations of former Claims 22-23 and is patentable for the same reasons as Claim 1 by calling for a data access system of the type set forth therein that includes means for sending said request to a location in a communications network determined by said request, said location including said data in a prompt navigation language selected from the group consisting of WML and HDML.

Claims 15-21 and 24-26 depend from Claim 14 and are patentable for the same reasons as Claim 14 and by reason of the additional limitations called for therein. Former Claims 22-23 have been cancelled, without prejudice.

Claim 27 has been amended to include the limitations of former Claims 35-36 and is patentable for the same reasons as Claim 1 by calling for a voice browser stored in a computer readable storage medium that includes code for sending said request to a location in a communications network determined by said request, said location including said data in a prompt navigation language selected from the group consisting of WML and HDML.

Claims 28-34 and 37-39 depend from Claim 27 and are patentable for the same reasons as Claim 27 and by reason of the additional limitations called for therein. Former Claims 35-36 have been cancelled, without prejudice.

In view of the foregoing, it is respectfully submitted that the claims of record are allowable and that the application should be passed to issue. Should the Examiner believe that the application is not in a condition for allowance and that a telephone interview would help

further prosecution of this case, the Examiner is requested to contact the undersigned attorney at the phone number below.

Respectfully submitted,

DORSEY & WHITNEY LLP

A large, stylized handwritten signature in black ink, appearing to read 'E. N. Bachand', is written over the printed name.

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